

MINUTES
REGULAR COUNCIL MEETING
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE,
80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2020-MAY-25, AT 4:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. D. Armstrong
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley (joined electronically at 4:30 p.m., in person at 6:14 p.m.)

Staff: J. Rudolph, Chief Administrative Officer
R. Harding, General Manager, Parks, Recreation and Culture
D. Lindsay, General Manager, Development Services
B. Sims, General Manager, Engineering and Public Works
S. Legin, General Manager, Corporate Services
J. Van Horne, Director, Human Resources
L. Mercer, Director, Finance
J. Holm, Director, Development Approvals (arrived 7:00 p.m.)
B. Corsan, Director, Community Development
D. Bailey, Manager, Accounting Services
F. Farrokhi, Manager, Communications
K. Robertson, Deputy City Clerk
J. Vanderhoef, Steno (vacated 5:50 p.m.)
S. Snelgrove, Recording Secretary

1. CALL THE REGULAR MEETING TO ORDER:

The Regular Council Meeting was called to order at 4:31 p.m.

2. PROCEDURAL MOTION TO PROCEED IN CAMERA:

It was moved and seconded that the meeting be closed to the public in order to deal with agenda items under the *Community Charter*:

Section 90(1) A part of a Council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations;

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under Section 98 [annual municipal report].

Community Charter Section 90(2):

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

The motion carried unanimously.

Council moved “In Camera” at 4:31 p.m.
Council moved out of “In Camera” at 6:47 p.m.

Council recessed the Open Meeting 6:50 p.m.
Council reconvened the Open Meeting at 7:00 p.m. in the Shaw Auditorium.

Mayor Krog advised this meeting was being held in accordance with the *Community Charter*, “Council Procedure Bylaw 2018 No. 7272” and Ministerial Order No. M083.

3. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 8(h) COVID-19 Response to Downtown Restaurant Patios – Add email from Liquor Control and Regulation Branch and Policy Directive dated 2020-MAY-22 re: Temporary Expanded Service Area Authorization.
- (b) Add presentation and report on Short Term Solutions for Cleanliness in Public Spaces referred from Special Council Meeting held at 2:30 p.m. to be considered under Agenda Item 12(a) Other Business.
- (c) Add consideration of a motion regarding the Old City Quarter referred from the Special Council Meeting held at 2:30 p.m. to be considered under Agenda Item 12(b) Other Business.

4. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

5. ADOPTION OF THE MINUTES:

It was moved and seconded that the Minutes of the Regular Meeting of the Council of the City of Nanaimo held in the Shaw Auditorium, 80 Commercial Street, Nanaimo, BC, on Monday, 2020-MAY-04 at 4:30 p.m. be adopted as circulated. The motion carried unanimously.

6. MAYOR'S REPORT:

Mayor Krog advised:

- After careful planning and preparation, the City reopened select outdoor recreation facilities on 2020-MAY-14, including tennis courts, pickle ball courts, gated dog off-leash parks and the Stevie Smith Bike Park. Residents are reminded that physical distancing rules apply.
- On 2020-MAY-11 Nanaimo City Council adopted a new Green Fleet Strategy aimed at reducing GHG emissions and supporting Council's commitment to looking after the environment. The City was awarded a silver E3 (Energy Environment Excellence) Fleet Award.
- The City is providing multiple options for property tax payments such as paying through a financial institution, dropping off a cheque payment in the drop box outside the Service and Resource Centre at 411 Dunsmuir Street and by mailing a cheque payment using the postage-paid return envelope included in the tax notice package.
- A pop-up tax payment office is open Monday-Friday from 9 a.m. to 3 p.m. at the Frank Crane Arena box office in Beban Park. Only debit and cheques are accepted as payment due to COVID-19 protocols.
- Taxes are due on 2020-JUL-02 and the penalty date for late tax payments has been extended to 2020-OCT-01.
- June 1-7th, 2020 is British Columbia's Child and Youth Care Week. The Minister of Children and Family Development invited Council and the community to celebrate the strength and resilience of those who have been in care.
- Two individuals, one with serious health concerns and a trucker with an alternate sleep schedule, have approached the Mayor asking that the 7 p.m. celebrations due to COVID-19 perhaps be lowered in volume. Their comments provide an interesting perspective and bring us back to how doing things with the best intentions may have an impact on others.

7. CONSENT ITEMS:

(a) Advisory Committee Minutes

It was moved and seconded that the following item be adopted by consent:

- Minutes of the Special Health and Housing Task Force Meeting held in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Wednesday, 2020-APR-22, at 3:00 p.m.

The motion carried unanimously.

8. REPORTS:

(a) 2019 Financial Statements

Introduced by Shelley Legin, General Manager, Corporate Services.

Presentation:

1. Liette Bates-Eamer, Partner, KPMG, and Sarah Burden, Senior Manager, KPMG, provided a presentation regarding the 2019 Audit findings and 2019 Annual Financial Statements. Highlights included:

- Audit has been completed with the exception of a discussion with Council, approval of the 2019 Financial Statements and obtaining a signed management representation letter
- A clean audit is anticipated
- An area of focus was management override which was addressed with standard procedures
- Other areas of focus include tangible capital assets, cash and investments and revenues related to receivables management
- One correction was identified to move an amount from revenue to deferred revenue

It was moved and seconded that Council approve the 2019 Annual Financial Statements for the City of Nanaimo. The motion carried unanimously.

(b) Development Variance Permit Application No. DVP403 - 1226 Lawlor Road

Introduced by Dale Lindsay, General Manager, Development Services.

Delegation:

1. Keith Colton advised he had site plans to present to Council and the need for moving the mobile home on the property.

Mayor Krog requested that Council hear anyone wishing to speak regarding Development Variance Permit No. DVP403 - 1226 Lawlor Road.

No one in attendance wished to speak with respect to this item.

It was moved and seconded that Council issue Development Variance Permit No. DVP403 at 1226 Lawlor Road with the following variance:

- reduce the minimum required front yard setback within mobile home lot 19 from 4.5m to 3.32m.

The motion carried unanimously.

(c) Development Variance Permit Application No. DVP402 - 236 Haliburton Street

Introduced by Dale Lindsay, General Manager, Development Services.

Mayor Krog requested that Council hear anyone wishing to speak regarding Development Variance Permit No. DVP402 - 236 Haliburton Street.

No one in attendance wished to speak with respect to this item.

It was moved and seconded that Council issue Development Variance Permit No. DVP402 at 236 Haliburton Street with the following variance:

- increase the maximum allowable front yard setback from 7.5m to 15m for a proposed single residential dwelling.

The motion carried unanimously.

(d) Nuisance Property Abatement – 6 - 2170 Spencer Road

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council declare #6 - 2170 Spencer Road a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”, and to authorize Staff to record and charge for municipal services, including police, required to abate nuisance activity. The motion carried unanimously.

(e) Covenant Amendment Application No. CA11 - 6340 McRobb Avenue

Introduced by Dale Lindsay, General Manager, Development Services. He noted that eight submissions related to Covenant Amendment Application No. CA11 for 6340 McRobb Avenue were received by 12:00 pm on Monday, 2020-MAY-25 and circulated to Council.

Council discussion took place regarding:

- Development permit coming forward to Council once received
- Transition from townhouses to towers
- Potential review of procedures and notification bylaw
- Road access to development

Mayor Krog requested that Council hear anyone wishing to speak with respect to Covenant Amendment Application No. CA11.

1. Mr. Ken Shimizu spoke regarding concerns related to density, changes to the original concept for development, urban nodes in the Official Community Plan and the impact of shadowing and shade from the towers on neighbouring buildings.
2. Mr. Philip Smith spoke regarding concerns related to the City of Nanaimo mail-out to neighbours, purpose of the covenant and potential legal action.

It was moved and seconded that Council direct Staff to amend covenants FB226410 and FB287633. The motion carried.

Opposed: *Councillor Armstrong, Geselbracht, Hemmens and Thorpe*

(f) Rezoning Application No. RA444 - 30 Lorne Place

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.177” (To rezone 30 Lorne Place from Duplex Residential [R4] to Low Density Residential [R6]) pass first reading. The motion carried unanimously.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.177” pass second reading. The motion carried unanimously.

It was moved and seconded that Council direct Staff to secure the community amenity contribution, road dedication, and access easement should Council support the bylaw at third reading. The motion carried unanimously.

(g) Rezoning Application No. RA448 - 2013 Northfield Road

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.176” (To rezone 2013 Northfield Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading. The motion carried.

Opposed: *Councillor Armstrong*

It was moved and seconded that “Zoning Amendment Bylaw 2020 No. 4500.176” pass second reading. The motion carried.

Opposed: *Councillor Armstrong*

It was moved and seconded that Council direct Staff to secure the community amenity contribution, road dedication, and driveway access covenant prior to adoption of the bylaw, should Council support the bylaw at third reading. The motion carried.

Opposed: *Councillor Armstrong*

(h) COVID-19 Response to Downtown Restaurant Patios

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council direct Staff to:

1. implement a temporary downtown restaurant patio program in response to the phased reopening of businesses during the COVID-19 pandemic; and,

2. reallocate \$25,000 from the Downtown Event Grants to facilitate the temporary improvements with any shortfall in funding to be funded from Council's Strategic Infrastructure Reserve.

The motion carried unanimously.

It was moved and seconded that Council:

1. direct Staff to notify the Liquor Control and Regulation Branch that the City of Nanaimo has authorized pre-approval for all temporary service area expansions for liquor primary and manufacturing licenses until October 31, 2020 in response to Liquor Control and Regulation Branch policy directive 20-13; and,
2. suspend the current City approval process for temporary service area expansion of all liquor primary and manufacturing licenses until October 31, 2020.

The motion carried unanimously.

It was moved and seconded that Council endorse the temporary use of parking spaces on private property for commercial business patio expansions to address medical health orders that support physical distancing requirements during the COVID-19 pandemic. The motion carried unanimously.

(i) 285 Prideaux Street - Licence to BC Housing

Introduced by Dale Lindsay, General Manager, Development Services.

It was moved and seconded that Council approve a short-term licence agreement for a BC Housing Emergency Response Centre in a portion of the City-owned Community Services Building at 285 Prideaux Street. The motion carried unanimously.

(j) Public Hearings Following Ministerial Order M139

Introduced by Dale Lindsay, General Manager, Development Services:

- Information is provided in advance of Public Hearing to be held 2020-JUN-18
- Ministerial Order No. M139 gives Council the ability to hold electronic public hearings
- There will be an opportunity for the public to attend the Public Hearing in person as long as physical distancing can be maintained and there will be an opportunity for the public to call in with their comments.

9. BYLAWS:

(a) "Zoning Amendment Bylaw 2020 No. 4500.175"

It was moved and seconded that "Zoning Amendment Bylaw 2020 No. 4500.175" (To amend Schedule A - Zoning Map with general mapping amendments) pass third reading. The motion carried unanimously.

10. OTHER BUSINESS:

(a) Short Term Solutions for Cleanliness in Public Spaces

Introduced by Bill Sims, General Manager, Engineering and Public Works.

Presentation:

1. Charlotte Davis, Manager, Recreation Facilities and Custodial Services, and Taaj Daliran, Manager, Sanitation, Recycling and Cemeteries, spoke regarding:
 - Removing garbage from streets and parks takes away from Bylaw Services Department duties
 - Efficiency of new system
 - The need to respond quickly in order to stop the growth of garbage and illegal dumping
 - Social disorder response team seeing garbage leftover from encampments in parks
 - High volume of abandoned shopping carts collected

It was moved and seconded that Council fund up to \$187,000 for the provision of the City of Nanaimo "Social Disorder Response Team", from the Special Initiatives Reserve to run five days a week until 2020-DEC-31. The motion carried unanimously.

- (b) Correspondence from Old City Quarter, dated 2020-MAY-19, re: Request that the City work with the Old City Quarter Association to develop a framework and funding strategy for restoring security in the Old City Quarter

[Note: Motion deferred from the Special Council Meeting held 2020-MAY-25 at 2:30 p.m.]

It was moved and seconded that Staff work with the Old City Quarter Association to develop a framework and funding strategy for restoring security in the Old City Quarter and that Staff prepare a report for Council.

It was moved and seconded that the motion be amended to clarify that staff work with the Old City Quarter Business Improvement Association and the Old City Quarter Health and Safety Alliance. The motion carried unanimously.

The vote was taken on the main motion as amended, as follows:

That Staff work with the Old City Quarter Business Improvement Association and the Old City Quarter Health and Safety Alliance to develop a framework and funding strategy for restoring security in the Old City Quarter and that Staff prepare a report for Council. The motion carried unanimously.

(c) City Spark

It was moved and seconded that Council rename the City Spark rebranding strategy to Reimagine Nanaimo. The motion carried.

Opposed: *Councillor Turley*

11. ADJOURNMENT:

It was moved and seconded at 9:07 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER